

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:06CR50
)	
v.)	
)	ORDER
RUDOLPH GEORGE STANKO,)	
)	
Defendant.)	
_____)	

Before the court are Filing Nos. 101 and 105, motions to issue subpoenas; Filing No. 103, motion to dismiss; Filing No. 104, motion for hearing and motion to suppress; and Filing No. 107, motion to file out of time. With regard to Filing Nos. 101 and 105, the court will deny these motions at this time. The court has already issued an order indicating that all subpoena requests will be handled at a hearing on September 6, 2006, at 1:30 p.m. Defendant and counsel for the government are to present all subpoena requests at that time.

The government asks for additional time to file its response in this case. Filing No. 107. For good cause shown, the court will grant this motion.

With regard to the motions to dismiss, defendant asks this court to dismiss the case because the jury instruction elements are contradictory. The court has carefully reviewed the requests and finds this is not a basis for dismissal of the case. The court will permit the defendant to make any objections to jury instructions at a hearing held immediately before the start of trial in this case. Therefore, this motion is denied at this time.

Defendant's motion to suppress is likewise denied. Filing No. 104. Defendant moves to suppress bank account records alleging they have been illegally obtained. The

government has provided the court with a copy of the grand jury subpoena requesting these records. Accordingly, the court finds the defendant's argument to be without merit.

THEREFORE, IT IS ORDERED that:

1. Defendant's motion for subpoenas, Filing Nos. 101 and 105, are denied subject to reassertion at the September 6, 2006, hearing;

2. The government's motion to file out of time, Filing No. 107, is granted;

3. Defendant's motion for contradictory jury instructions, Filing No. 103, is denied;

and

4. Defendant motion to suppress, and motion for a hearing, Filing No. 104, is denied.

DATED this 24th day of August, 2006.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge